THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.7569 OF 2000

Dated: 12th September, 2005.

Between:

1. Gunji Venkaiah, S/o. Laxmaiah,

Aged about 56 years, R/o. D.No.3/1225,

Nagendranagar, Nawabpet, Nellore

and 2 others. .. Petitioners

And

1. The Commissioner of Endowments, Endowments Department, Government of Andhra Pradesh, Tilak Road, Hyderabad.
2. The Deputy Commissioner of Endowments, Endowments Department, Government of Andhra Pradesh, Guntur.
3. The Executive Officer, Sri Thalpagiri Ranganatha Swami Wari Temple, Ranganayakulapeta, Nellore-1.
4. The Commissioner, Nellore Municipality, Nellore.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.7569 OF 2000

-

ORDER :

This writ petition is filed seeking a declaration that the action of the respondents 2 and 3 in conducting public auction of the house plots in respect of Ac.3.77 cents situated in Sy.No.164/1 of Nellore Bit-II Village, without obtaining the layout approval under Sections 184 and 185 of the A.P. Municipalities Act, 1965 read with A.P. Municipality (Layout) Rules, 1970 as well as the proceedings of the third respondent dated 20-12-1999 seeking to cancel the allotment of plots in favour of the petitioners and to forfeit the amount paid by them is arbitrary and illegal.

When the matter is taken up for consideration, it is represented by the learned Counsel for the petitioners that W.P.No.25347 of 1999 in which an identical question was raised has been disposed of by this Court by order dated 25-04-2003 holding as under :

> *"In view of the submissions made by either counsel, without going into merits of the case, the third respondent is directed to refund the 1/3rd of the amount deposited together with interest accrued thereon and also the 1st respondent is directed to release the F.D.Rs. deposited by the petitioners pursuant to the interim directions issued by this Court together with interest. However, if some of the petitioners are interested in getting the house plots registered in their favour it is open for them to do so."*

The learned Government Pleader appearing for the official respondents does not dispute the fact that the case on hand also stands on the same footing.

However, it is to be noted that in this case the petitioners has not furnished the FDRs since admittedly there was no such interim direction pending the writ petition.

In the circumstances, both the learned Counsel submitted that the Writ Petition can be disposed of in terms of the above order in W.P.No.25347 of 1999, dated 25-04-2003 except to the extent of return of FDRs.

Accordingly, the Writ Petition is disposed of with a direction to the third respondent to refund 1/3rd of the amount deposited within a period of three months from the date of receipt of this order. It is also made clear that in case the petitioners are interested

in getting the house plots registered in their favour, it is open for them to do so. No costs.

_____

12th September, 2005.

Note:- CC in one week.

(B/O)

gbs